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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,156	03/01/2004	Katherine Woo	2043.011US1	3410
49845	7590	06/13/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			SMITH, JEFFREY A	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,156

Applicant(s)

WOO, KATHERINE

Examiner

Jeffrey A. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 2, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 2, 2006 has been entered.

Response to Amendment

The response filed September 8, 2005 has been entered and considered.

Claims 1-24 are pending.

Claims 1, 10, 18, and 22 are currently amended.

An action on the merits follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (US 2002/0016765 A1) in view of Toohey (U.S. Patent No. 6,405,176 B1).

Regarding claims 1-9

Sacks discloses a method comprising receiving, from a third party shopping cart application, detailed information, in response to a user request to proceed with a payment for one or more items; and upon receiving the detailed information from the third party shopping cart application, communicating to the user via a communications network one or more user interfaces that facilitate processing of the payment for the one or more items. See particularly paragraph [0028]. The third part shopping cart application is considered external to the online payment service.

Detailed information may include item name, item number, item price, and item quantity. See paragraph [0017].

The user request to proceed with the payment is received when the user clicks a checkout button. See paragraph [0020].

Applicant's attention is directed to paragraphs [0036]-[0046] for a more detailed discussion of the method.

It is noted in Sacks that the third-party shopping cart is provided, managed and maintained by the payment processor. See paragraph [0028]. Although Sacks discloses that it may be used for purchases or transaction involving multiple sellers, it is not fully clear that the shopping cart application is external to the payment processor, per se.

Toohey, however, in a similar method (col. 1, lines 7-9), discloses an electronic shopping basket (48) application which is provided by an electronic mall (42) which attaches the electronic shopping basket to each electronic shopper as the shopper enters the mall (col. 3, lines 49-54). Each electronic basket, like the Sacks shopping cart, may be used for purchases or transactions involving multiple sellers (col. 4, lines 20-23).

It would have been obvious to one of ordinary skill in the art to have provided the method of Sacks to have included a third party shopping cart application external to the payment processor (of Sacks) in order to have provided the convenience of single payment transaction for all shopping among a plurality of sellers, and at the same time, allowing the sellers to

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receive data to update respective point of sale systems (Toohey: col. 2, lines 21-26).

Regarding claims 10-24

These claims are written as apparatus, system, and computer readable medium for performing the functions recited in the method of claims 1-9. These claims are rejected under a similar line of reasoning.

Response to Arguments

Applicant's arguments filed February 2, 2006 have been fully considered but they are not persuasive.

Applicant remarks that "Toohey does not teach or suggest that the shopping cart application is external to an online payment service.

The Examiner disagrees. The shopping cart of Toohey is hosted by all stores which participate in the mall (col. 2, lines 8-13. Even if payment transaction processing is performed by the virtual mall (as advanced by Applicant) it still remains that the shopping cart application is external to an online payment service. It is noted that Toohey teaches:

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"The computer-based data processing system can further include a second means for processing payment for all store items contained in all virtual ledgers associated with a single one of the electronic shopping baskets in a single transaction." (col. 3, lines 1-5).

This "second means" description follows a separate description of the shopping cart application at col. 2, lines 52-67. From these passages it is clear that Toohey teaches that the shopping cart application is external to the online payment service.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

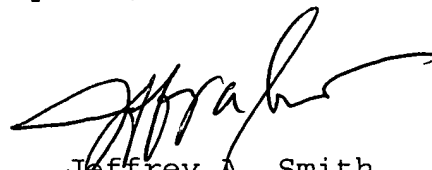
Hughes et al. (U.S. Patent No. 7,043,447 B2) shows an interface that facilitates external (via Visa® or MasterCard®, for example) processing of the payment for one or more items and that allows the user to view content of a virtual shopping cart (see "208" at Fig. 8B).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert M. Pond can be reached on 571-272-6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey A. Smith
Primary Examiner
Art Unit 3625

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